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FOR PUBLIC INSPECTION  
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TO: Marlene Dortch, Secretary  
Office of the Secretary  
*Federal Communications Commission*

**FEB 10 2009**  
Federal Communications Commission  
Office of the Secretary

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification**  
**EB Docket No. 06-36**

Annual 64.2009(e) CPNI Certification for 2008

Date filed: February 10, 2009

Name of company covered by this certification: K & M Telephone Company, Inc.

Form 499 Filer ID: 801270

Name of signatory: Dennis D. Werner

Title of signatory: President

I am a corporate officer of the above Company. Acting as an agent of the Company, I hereby certify that I have personal knowledge that the Company has established operating procedures that are adequate to ensure compliance with the Federal Communications Commission's (FCC's) rules concerning customer proprietary network information (CPNI), as contained in 47 C.F.R. §§ 64.2001 et seq.

- Attached to this certification is Statement #1 explaining how the Company's procedures ensure that the Company is in compliance with the requirements set forth in section 64.2001 et seq. of the Commission's rules.
- The Company has not taken any actions against data brokers in the past year.
- In Statement #2, we discuss the processes that pretexters are using to attempt to access CPNI.
- In Statement #3, we explain additional procedures that the Company is taking to protect CPNI.
- The Company has not received any customer complaints concerning the unauthorized release of CPNI.

I hereby certify that the information contained in this Certificate and the attached Statements is accurate and complete to the best of my ability.

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A copy of this Certificate and Statements, but with redactions in Statements 2 and 3, is being filed for public inspection. In addition, this Certificate with unredacted Statements is being filed with a Request for Information to Be Withheld from Public Inspection.

If you have questions, please contact: Susan Bahr, Esq., Law Offices Of Susan Bahr, PC, PO BOX 2804, Montgomery Village, MD 20886-2804, sbahr@bahrlaw.com, (301) 926-4930.

Name (signature):  February 3, 2009

**STATEMENT #1**  
**CPNI PROCEDURES**

**Compliance Officer**

The Company has appointed the General Manager as the CPNI Compliance Officer. The Compliance Officer is responsible for ensuring that the Company is in compliance with all of the CPNI rules. The Compliance Officer is also the point of contact for anyone (internally or externally) with questions about CPNI. The Compliance Officer will complete and – if necessary – file a Compliance Certification with the FCC by March 1 of each year, for data pertaining to the previous calendar year.

**Employee Training**

The Compliance Officer shall arrange for the training of all employees on an annual basis, and more frequently as needed. Any new employee shall be trained when hired by the Company. The training shall include, but is not limited to, when employees are and are not authorized to use CPNI, and the authentication methods the Company is using. After the training, all employees are required to sign a certification that they have received training on the CPNI rules, that they understand the Company's procedures for protecting CPNI and they understand the Company's disciplinary process for improper use of CPNI. If employees have any questions regarding the use of CPNI or if they are aware of CPNI being used improperly by anyone, they should contact the Compliance Officer immediately.

The Company has established a disciplinary process for improper use of CPNI. The disciplinary action is based on the type and severity of the violation and includes the following: retraining the employee on CPNI rules, notation in the employee's personnel file, formal written reprimand, suspension or termination. A single incidence of an unintentional violation shall be cause for the least severe discipline while intentional and/or multiple violations shall be the cause of the most severe discipline. Termination of an employee must be approved by the Company's Board of Directors.

**Disclosure and Use of CPNI**

The Company has not provided notification to its customers and has not asked for approval to use CPNI because the Company does not use CPNI outside of the areas that are allowed without customer approval. The Company does not share the customer's CPNI with any joint venture partner, independent contractor or any other third party, except for billing purposes. For marketing purposes, the Company will only mass market to all customers, or use CPNI to market only service offerings among the categories of service to which the customer already subscribes.

The Company shall not disclose any CPNI until the customer has been appropriately authenticated. When the customer calls the Company, the customer shall be authenticated by providing an answer to a pre-established question and must be listed as a contact on the account. If the customer wants to discuss call detail information, the following guidelines shall be followed: (a) If the customer can provide all of the call detail information (telephone number

called, when it was called, and the amount of the call) necessary to address the customer's issue, the Company will continue with its routine customer care procedures. (b) If the customer cannot provide all of the call detail information to address the customer's issue, the Company will: (1) call the customer back at the telephone number of record, (2) send the information to the address of record, or (3) ask the customer to come into the office.

The Company shall promptly notify customers whenever a change is made to the customer's address of record. The notification will be made by the Company and sent to the customer's old address of record.

### Breaches

Employees will immediately notify the Compliance Officer of any indication of a breach. If it is determined that a breach has occurred, the Compliance Officer will do the following: (a) Notify the United States Secret Service (USSS) and the Federal Bureau of Investigation (FBI) as soon as practicable, but in no event later than 7 business days after determination of the breach. The notification will be via the FCC link at <http://www.fcc.gov/eb/cpni>. (b) Notify customers only after 7 full business days have passed since notification to the USSS and the FBI, unless the USSS or FBI has requested an extension. (c) If there is an urgent need to notify affected customers or the public sooner to avoid immediate and irreparable harm, it will be done only after consultation with the relevant investigating agency. (d) Maintain a record of the breach, the notifications made to the USSS and FBI, and the notifications made to customers – for at least 2 years. The record should include dates of discovery and notification, a detailed description of the CPNI that was the subject of the breach, and the circumstances of the breach.

**STATEMENT #2**  
**PROCESSES PRETEXTERS ARE USING TO ATTEMPT TO ACCESS CPNI**

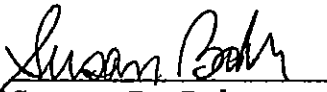
A page of lined paper with horizontal ruling lines and a vertical margin line on the left side. The lines are evenly spaced and extend across the width of the page. The margin line is positioned on the left side, creating a narrow left margin. The paper is white, and the lines are a light gray or blue color. There are no markings, text, or illustrations on the page.

A large rectangular area filled with a dense, repeating pattern of small, stylized 'X' marks, resembling a textured background or a decorative border. The pattern is uniform and covers the entire area.

CERTIFICATE OF SERVICE

I, Susan Bahr, hereby certify that on this 10th day of February, 2009, I caused a copy of the foregoing to be sent to:

Best Copy and Printing, Inc.  
445 12<sup>th</sup> Street, Suite CY-B402  
Washington, DC 20554  
(via mail)

  
Susan J. Bahr